

## **RESOLUTION 2004-34**

### **CONCERNING GRANTING THE EXECUTIVE DIRECTOR AUTHORITY TO NEGOTIATE AND EXECUTE THE ORANGE COUNTY OPERATING AGENT CONTRACT**

The Indiana Gaming Commission (Commission) adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. Pursuant to IC 4-33-6-1, the Commission may enter into a contract under IC 4-33-6.5 with respect to the operation of one riverboat on behalf of the Commission in a historic hotel district.
2. Pursuant to IC 4-33-6.5, the Commission shall issue a request for proposals and award the contract under IC 5-22-9. The Commission issued a request for proposals in March of 2004. The contract was awarded on July 20, 2004 to Trump Indiana Casino Management, LLC.
3. Pursuant to IC 4-33-6.5-5, the operating agent contract must comply with IC 4-33 and must contain certain terms and conditions. Due to the detailed negotiation that will occur to determine the terms of the contract, it is impractical for the Commission to participate in the negotiation process. The Executive Director may negotiate the terms and execute the contract with the following directive issued by the Commission. The Executive Director must discuss the proposed contract with two Commissioners, the chair and another commissioner who is an attorney. Upon agreement of the Executive Director, the chair, and the commissioner who is an attorney, the Executive Director may execute the contract on behalf of the Commission. The Commission will be advised when negotiations are complete and the contract is executed after consultation with the chair and the commissioner who is an attorney.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION,  
THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

#### **SECTION 1: SCOPE**

This resolution applies to the Indiana Gaming Commission and Trump Indiana Casino Management, LLC.

#### **SECTION 2: DEFINITIONS**

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

#### **SECTION 3: GRANT OF AUTHORITY TO THE EXECUTIVE DIRECTOR**

The Executive Director is hereby granted the authority to negotiate the terms of the Orange County Operating Agent Contract and execute the contract on behalf of the Commission.

**SECTION 4: EFFECTIVE DATE.**

This resolution is effective immediately.

**ADOPTED THIS THE 5<sup>th</sup> DAY OF AUGUST, 2004**

THE INDIANA GAMING COMMISSION:

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Donald Vowels, Chair

ATTEST:

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Thomas Milcarek, Secretary